

EXHIBIT B

wd: Kinney - Subpoena to Legis Ventures in Hong Kong

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From: **Robert Tauler** <rtauler@taulersmith.com>

Date: Fri, Apr 10, 2020 at 2:57 PM

Subject: Re: Kinney - Subpoena to Legis Ventures in Hong Kong

To: Bookhout, James <james.bookhout@dlapiper.com>

Cc: Evan Jowers <evan@evanjowers.com>, Katz, Marc <marc.katz@dlapiper.com>, Valerie Saryan <vsaryan@taulersmith.com>

Hi James, what activity has happened this week besides the Reply Brief in the 5th Circuit? For example, did Kinney ever respond to the meet and confer letter sent last week? I want to be sure I am kept in the loop so there are no inefficiencies.

On that note, I don't think this subpoena is worth a discovery fight. Kinney is only asking for documents from Legis and is only doing this to make things expensive for Jowers. I would suggest not getting involved at all as you don't represent Legis at this time. This will be much much cheaper, and if we don't fight, we will be in a stronger position when we get around to subpoenaing Kinney's many entities, former employees, and current employees.

I feel like time and energy should be laser focused on getting what we need from Kinney affiliates to win on MSJ, rather than obstructing his discovery efforts.

In this regard, I have been working on an outline for discovery that I plan to send within the next couple of days. It has taken longer than expected because of all the research and complexity revolving around Kinney's carousel of shell companies and their corresponding assets. Any factual or legal research your office has done on these subjects would be welcome as I finalize the proposed discovery plan.

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On Apr 10, 2020, at 2:13 PM, Bookhout, James <james.bookhout@dlapiper.com> wrote:

Hi Evan,

As you know, the case has seen some activity this week. One item that has come up is Kinney's ongoing and lazy attempt to serve a subpoena on Legis Ventures. You will recall that a few months ago he tried to serve that subpoena in New York, and we were able to swat it away. Now he has moved with the Court for alternative service of the subpoena via email, which is not permissible under the relevant rules. We have filed the attached response vigorously opposing that request.

In response, Kinney has sought to have the subpoena served by the clerk via FedEx on Legis in Hong Kong. The subpoena is still objectionable for a number of reasons, not least of which a U.S. subpoena can't require someone in Hong Kong to show up in Austin, Texas. We will want to respond to the subpoena in due course (probably by having one of our Hong Kong colleagues sign a response that we will draft). However, we would like to know when (and if) the FedEx package arrives in Hong Kong. Kinney is obviously trying to avoid actually expending the money it would take to domesticate the subpoena in Hong Kong.

We just wanted to keep you up to date, and we would appreciate hearing from you if you have a way to determine when the subpoena is received by the corporate secretary's office in Hong Kong.

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<2020.04.09 Jowers - Correspondence to the Clerk requesting service by federal express.PDF>

<2020.04.06 [Dkt 151] Jowers Response_in_Opposition_to_Motion for Alternate Service.pdf>